

Message Text

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ACTION EUR-12

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FOR POLADS

E. O. 11652: N/A
TAGS: PINS GW
SUBJ: BAADER-MEINHOF VERDICT ON HORIZON

REF: (A) STUTTGART 651 (B) BONN 6843

1. SUMMARY: AT APRIL 21 SESSION OF BAADER-MEINHOF TRIAL, FOUR OF FIVE COURT-APPOINTED DEFENSE LAWYERS OF BAADER, ENSSLIN, AND RASPE DELIVERED DEFENSE PLEAS ASKING TRIAL BE DROPPED (EINGESTELLT) BECAUSE OF SERIOUS PROCEDURAL ERRORS. CHOSEN LAWYERS STILL PLAN MAKE PLEAS BEFORE A PRESS CONFERENCE. PRE-SIDING JUDGE FOTH ANNOUNCED STATED ANNOUNCEMENT OF SENTENCES COULD BE EXPECTED APRIL 28 OR WEEK AFTER. DEFENSE WILL CER-
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TAINLY APPEAL AGAINST DECISION. MANY UNCERTAINTIES REMAIN RE SPECIFICS OF NEXT MOVES BY DEFENSE AND TERRORIST SYMPATHIZERS. END SUMMARY.

2. COURT-APPOINTED DEFENSE LAWYERS OF BAADER, ENSSLIN, AND RASPE, EXCEPT LAWYER KUENZEL, ONE OF ENSSLIN'S COURT-APPOINTED LAWYERS, DELIVERED DEFENSE PLEAS ON APRIL 21. THEY PAID SCANT

ATTENTION TO POINTS RAISED BY PROSECUTION AND FOCUSED RATHER ON MANNER IN WHICH TRIAL CONDUCTED IN MAKING PLEAS THAT IT BE DROPPED COMPLETELY.

3. LAWYERS CHOSEN BY DEFENDANTS PLUS ENSSLIN'S COURT-APPOINTED LAWYER KUENZEL DID NOT PARTICIPATE IN DEFENSE SUMMATION. KUENZEL, WHOSE REQUEST TO BE WITHDRAWN FROM TRIAL HAD BEEN DENIED, AND CHOSEN LAWYERS ANNOUNCED THEY STILL WILL DELIVER THEIR DEFENSE PLEAS AT A PRESS CONFERENCE LATER ON. THIS NOT EXPECTED TO HAVE ANY LEGAL BEARING ON TRIAL AND MAY BE PART OF LAST-DITCH EFFORT CREATE PUBLIC INTEREST AND SYMPATHY.

4. MAIN CRITICISMS OF DEFENSE LAWYERS INCLUDE STAMMHIEM "BUGGING" INCIDENT, FEDERAL JUDGE MAYER MAKING COURT MATERIAL AVAILABLE TO PRESS, AND FACT THAT FORMER PRESIDING JUDGE PRINZING HAD PASSED ON INFORMATION TO MAYER. ONE OF DEFENSE LAWYERS ALSO RAISED DOUBT WHETHER HIS DEFENDANT, GUDRUN ENSSLIN, WOULD SURVIVE TRIAL, SINCE ALL DEFENDANTS HAVE BEEN ON HUNGER STRIKE FOR OVER THREE WEEKS NOW. LOCAL SOURCES, HOWEVER, SAY ENSSLIN CONDITION NOT AS BAD AS REPORTED IN MEDIA.

5. PRESIDING JUDGE FOTH PRONOUNCEMENT OF COURT DECISION COULD BE EXPECTED APRIL 28 OR WEEK AFTER, THUS ADDING YET ANOTHER DATE IN THE TERRORIST CALENDAR (REFTEL B) THAT COULD BE USED AS THE SPARK FOR SOME INCIDENT.

6. DEFENSE WILL APPEAL IN ANY CASE AND INFORMED SPECULATION INDICATES SOME CHANCE OF SUCCESS. THERE IS ALSO SOME UNCER-

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TAINTY AS TO WHETHER OR NOT DEFENSE LAWYERS COULD MAKE FURTHER DETERMINED EFFORT TO BLOCK COMPLETION OF TRIAL.

COMMENT: IN MANY RESPECTS THE ANTICIPATED END OF THE BAADER-MEINHOF TRIAL HAS A "WAITING-FOR-THE-OTHER-SHOE-TO-DROP" AIR. THE DEFENDANTS' CHOSEN ATTORNEYS HAVE NEVER LACKED EITHER DETERMINATION OR IMAGINATION AND IT REMAINS TO BE SEEN WHETHER THEY HAVE WEARIED AS MUCH AS MANY OTHER PEOPLE WITH THE TWO-YEAR LONG PROCESS. ANOTHER UNCERTAINTY FOCUSES ON HOW TERRORISTS OR TERRORIST-SYMPATHIZERS WILL REACT TO WHATEVER THE VERDICT WILL BE. THE POSSIBILITIES ARE ALMOST LIMITLESS AND ARGUE FOR INCREASED VIGILANCE FOR AT LEAST THE NEXT FEW WEEKS. BADEN-WUERTTEMBERG POLICE RESOURCES ARE ALREADY STRETCHED THIN AND MATTERS HAVE NOT BEEN HELPED BY AN EXTENSION OF THE BASIC WORKWEEK TO 56 HOURS -- WITHOUT EXTRA PAY. POLICE MORALE HAS ALSO NOT BEEN HELPED BY FAIRLY STEADY -- BUT QUIET -- CRITICISM OF POLICE ACTIONS IN THE IMMEDIATE AFTERMATH OF THE ASSASSINATION OF FEDERAL PROSECUTOR BUBACK.

JENKINS

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